

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP-265-2020 (O&M)
Date of Decision:08.01.2020**

Sukha Singh

... Petitioner

Versus

State of Punjab & others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. B.S. Sidhu, Advocate for the petitioner.

....

TEJINDER SINGH DHINDSA, J. (ORAL)

As per pleadings on record, petitioner was engaged as a Special Police Officer in the Police Department, State of Punjab and subsequently on having qualified the suitability test was enrolled as a Constable from the source of Special Police Officer after 01.01.2004. On such basis, he is sought to be governed by the New Re-structured Defined Contribution Pension Scheme introduced for the appointees with the Punjab Government after 01.01.2004.

The precise claim set forth in the petition is that the petitioner ought to be governed under the Old Pension Scheme applicable to the appointees prior to 01.01.2004 by counting his previous period of engagement with the Punjab Government.

It is the contention raised by counsel that the claim raised in the instant petition would be covered by a Division Bench judgment of this Court rendered in **Harbans Lal Vs. State of Punjab & others (2012) 3 SCT 362** and which has attained finality. Further contended that the ratio of **Harbans Lal's case (supra)** has already been extended to similarly situated

Special Police Officers by a Coordinate Bench of this Court in **CWP-24472-2015 (Constable Rajesh Kumar & others Vs. State of Punjab & another)** vide order dated 07.01.2016. Even the review application preferred against the order dated 07.01.2016 has been dismissed vide order dated 09.05.2016.

Counsel makes a submission that a representation with regard to the grievance/claim of the petitioner has been filed and that he would be satisfied if the writ petition were to be disposed of with a direction to the concerned authority to examine the same.

Submission advanced by counsel is found to be just and reasonable.

In view of the above, writ petition is disposed of with a direction to respondent No.2 to examine the claim of the petitioner against the backdrop of a representation dated 18.05.2018 (Annexure P-7) and to take a final decision thereupon expeditiously and in any case within a period of two months from the date of receipt of a certified copy of this order.

Disposed of.

08.01.2020

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |